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COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

CHIO HIN SAETEURN,

Defendant and Appellant.

C068761

(Super. Ct. No. 10F08530)

Defendant Chio Hin Saeteurn pled no contest to possession of methamphetamine for sale (Health & Saf. Code, § 11378) and admitted a strike and an allegation that he was personally armed with a firearm (Pen. Code, §§ 667, subds. (b)-(i), 1170.12, 12022, subd. (c)).¹ The trial court imposed a stipulated seven-

¹ Undesignated statutory references to follow are to the Penal Code.

year state prison term and awarded 267 days of presentence credit (179 actual and 88 conduct).

On appeal, defendant contends the trial court's failure to award additional conduct credits pursuant to the Criminal Justice Realignment Act of 2011 (Realignment Act) (Stats. 2011, ch. 15, § 482) deprived him of equal protection under the law. We affirm.

DISCUSSION²

Defendant committed the crimes for which he was convicted on December 28, 2010. He was sentenced on June 24, 2011.

The trial court calculated defendant's conduct credits under the September 28, 2010 revision of the presentence credit law. Under that version, a defendant with a current or prior serious or violent felony conviction was entitled to two days of conduct credit for every four days of presentence custody. (Former §§ 2933, 4019 (Stats. 2010, ch. 426).)

The Realignment Act amended the law, entitling defendants to two days of conduct credit for every two days of presentence custody. (§ 4019, subds. (b), (c), (f).) The award of credits is not reduced by a defendant's prior conviction for a serious or violent felony. This provision applies prospectively, to defendants serving presentence incarceration for crimes committed on or after October 1, 2011. (§ 4019, subd. (h).)

² The facts of defendant's crime are unnecessary to resolve this appeal.

Defendant argues that prospective application of the conduct credit provisions of the Realignment Act violates his right to equal protection under the law.

In *People v. Brown* (2012) 54 Cal.4th 314 (*Brown*), our Supreme Court addressed whether the prospective application of the January 25, 2010 amendment to section 4019, which increased conduct credits, violated a defendant's equal protection rights. (*Brown, supra*, at p. 318.) Our high court held that prospective application of a law increasing the award of conduct credits did not violate a defendant's equal protection rights. (*Id.* at p. 330.)

Our high court recently rejected an equal protection claim regarding conduct credits awarded under the Realignment Act in *People v. Lara* (2012) 54 Cal.4th 896, 906, fn. 9.) Reiterating its reasoning in *Brown*, the court stated, "[t]he obvious purpose" of a law increasing credits "is to affect the behavior of inmates by providing them with incentives to engage in productive work and maintain good conduct while they are in prison." [Citation.] "[T]his incentive purpose has no meaning if an inmate is unaware of it. The very concept demands prospective application." (*Brown*, at p. 329, quoting *In re Strick* (1983) 148 Cal.App.3d 906, 913.) Accordingly, prisoners who serve their pretrial detention before such a law's effective date, and those who serve their detention thereafter, are not similarly situated with respect to the law's purpose. (*Brown*, at pp. 328-329.)" (*Lara, supra*, 54 Cal.4th at p. 906, fn. 9.)

Brown and *Lara* apply here. Consequently, we reject defendant's claim.

DISPOSITION

The judgment is affirmed.

MURRAY, J.

We concur:

RAYE, P. J.

HOCH, J.